

REMARKS/ARGUMENTS

Claims 1- 5, 7-11, 13-22, 23-25, 27-30, and 39-53 are now currently pending in the above-captioned application.

Claim 1 has been amended to include that the coating layer comprises a polymeric layer formed from acrylic acid monomers. Applicants respectfully submit that there is clear support for claim amendment 1. Specifically, claim support can be found in previous claim 26, Examples 6-10 and on page 12, lines 12-13 of the specification. As a result of claim amendment 1, dependent claims 13-21, 23-25, 27-30, and 47-52 have been amended as well. Since clear basis has been shown, it is believed that the amendment does not add new subject matter.

Claims 6 and 12 have been cancelled to comply with 37 CFR 1.75(c). The claims claiming a monomeric layer have been cancelled, claims , 22, 26,31-38, and54-61

Claim Objections

Claims 6 and 12 have been cancelled as explained above.

35 USC §102 Rejection

The Examiner holds that previous claims 1-15, 17-21, 31, 35, 47-43 (Applicants note that this interval of claims is incorrect), 54, 55 and 57-61 are anticipated by Hainfeld

(WO03/075961) disclosing a tungsten core with a coating layer including a fatty acid or a phospholipid. Pending claim 1 has been amended to specify the coating layer to comprise a polymeric layer formed from acrylic acid monomers.

Hainfeld does not disclose, teach or suggest passivating the reactive surface of the tungsten particle by coating the metallic tungsten core with a charged coating layer comprising a polymeric layer formed from acrylic acid monomers. The authors of WO03/075961 did not recognize the problems with the pyrogenic properties of tungsten nanoparticles, and that this problem could be solved according to pending claim 1. Furthermore, there is no basis in WO03/075961 for particles with a core having a tungsten content of 20 to 100 weight% of metallic tungsten. Based on the state of art, including WO03/075961, the person skilled in the art would not realize the claimed solution and Applicants therefore hold that the particles of claim 1 are both novel and inventive over WO03/075961.

35 USC §103 Rejection

Former claims 1-8, 12-15, 17-27, 31-43, 54, 55 and 57-61 are rejected as being unpatentable over Fahlvik (US 6,207,134) in view of Lewis (US 5,314,679). The Examiner holds that Fahlvik recite iron oxide particles but not specifically tungsten oxide particles, however in view of Lewis it would have been obvious to one of ordinary skill in the art to substitute tungsten oxide for iron oxide in the compositions of Fahlvik.

Applicants respectfully wish to point out that the claimed invention does not include tungsten oxide particles, as the claimed particles comprise a core of metallic tungsten, i.e. in a zero oxidation state (tungsten (0)). As none of the references, and most importantly Fahlvik, includes cores of the elements in their metallic oxidation state, there would be no reason to look to Lewis and a combination of the two references would not result in the claimed invention.

Applicants therefore hold that the particles of claim 1 are both novel and inventive over US 6,207,134 and US 5,314,679 alone or in combination.

CONCLUSION

Applicant respectfully holds that the claims submitted herewith fulfill the requirements of a patentable invention and that all rejections and objections be withdrawn and claims 1- 5, 7-11, 13-22, 23-25, 27-30, and 39-53 be allowed.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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